

PUBLIC HEARING of the Town Council held Wednesday, October 11, 2006 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, Councilors William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

MEMBERS ABSENT: None

1. Application for new license to sell beverages under provisions of Title 3, Chapter 5, Section 17 and Title 3, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, as amended, for term ending November 30, 2006 from Pascoag Main St. Bar & Grill, LLC d/b/a Pascoag Main St. Bar & Grill, LLC, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

NOTES:

Notice of the Public Hearing was duly advertised in the Legal Section of the Woonsocket Call on Monday, October 2, 2006 and Monday, October 9, 2006.

Notice was sent to all abutting property owners by certified mail, as required by law.

A) Report/recommendation of the Building Official

Council President Wallace F. Lees noted that the Building Official's report is on file with the record of the meeting.

B) Report/recommendation of the Chief of Police

Council President Wallace F. Lees noted that the Chief of Police's recommendation is on file with the record of the meeting.

C) Report/recommendation of the Fire Chief.

Council President Wallace F. Lees noted that the Fire Inspection report is on file with the record of the meeting.

D) Report/recommendation of the Department of Health.

Council President Wallace F. Lees noted that the report from the Department of Health is pending, subject to inspection if a victualing license is granted.

E) Report/recommendation of the Tax Collector.

Council President Wallace F. Lees noted that the Tax Collector's report is on file with the record of the meeting.

F) Certificate of Insurance in compliance with §8-28 of the Ordinances of the Town of Burrillville.

Council President Wallace F. Lees noted that the Certificate of Insurance is on file with the record of the meeting.

G) Certificate of Good Standing from the State Division of Taxation.

Council President Wallace F. Lees noted that the Certificate of Good Standing is on file with the record of the meeting.

Note: It was noted that a certificate of workers' compensation is also required but not on file.

The hearing of all interested parties in regard to the granting of this license. Note: Persons who wish to address the Town Council shall state their name and address.

2. Proponents: None at this time.

3. Opponents:

Robert Peloquin of 90B Pascoag Main St. outlined his opposition. Mr. Peloquin said that there were problems at the 98 Pascoag Main Street location when the business was known as Mad Dog Saloon. Mr. Peloquin mentioned noise problems, drinking outside the building, lewd behavior and discriminatory practices. Mr. Peloquin suggested that these issues deterred business from locating in the area. Mr. Peloquin said that the current applicant is the same building owner who should have known about and addressed past problems. Mr. Peloquin said that he and his family had been harassed and threatened by operators and patrons of the Mad Dog Saloon.

Mr. Peloquin referenced the January 11, 2006 show-cause hearing

which resulted in a suspension of the license and an order to eliminate use of the deck. Mr. Peloquin reported that the deck had been reopened in violation of the Town Council restriction.

Mr. Peloquin said that the operators and patrons of the bar have proven that they are unwilling to abide with established regulations. Mr. Peloquin said that, under the new application, the same people would be involved in the establishment. Mr. Peloquin asked that the license be denied because the proposed establishment would not be conducive to improving the downtown Pascoag neighborhood.

Marie Peloquin of 90B Pascoag Main St. asked that the Town Council deny a liquor license to any applicant associated with the premise located at 98 Pascoag Main Street. Ms. Peloquin voiced concern that the applicants would indiscriminately turn the operation of the establishment to others. Ms. Peloquin said that granting a liquor license would be contrary to the revitalization goals of keeping the community rural and family-friendly. Ms. Peloquin said that the former management has been at the building since its closure and she believed that there would be no change in management.

Melanie Dupont of Pascoag concurred with Mr. and Ms. Peloquin. Ms. Dupont said that the owners and patrons were unrepentant and have not taken the neighbors' concerns seriously. Ms. Dupont spoke of late-night noise, threats and intimidation of neighbors.

James Crombie of Knibb Road began to address the Town Council in support of the application, noting that Ron and Linda Laramee, who operate the establishment, have renovated the building. Councilor Jacqueline Zahn, in a point of order, suggested that Mr. Crombie's comments should not be heard under opponents. Council President Wallace F. Lees indicated that the floor would be open for proponents once opponents had concluded.

Al Palmisciano, an owner of a business on Pascoag Main St., opposed issuance of the liquor license. Mr. Palmisciano said that the neighborhood has become quieter and is generally improved since the establishment had closed. Mr. Palmisciano said that the town was renovating 96 Pascoag Main St., but that its proximity to the tavern would be a deterrent to the project.

Further Testimony

James Crombie of Knibb Road, speaking in support of the application, said that Mr. and Mrs. Laramee, who have partially managed the establishment in the past and who he believed would continue to manage it, have made improvements to the building. Mr. Crombie suggested that Mr. and Mrs. Laramee are stricter with the clientele, that the deck has been closed and the sidewalk cleaned. Mr. Crombie said that he had not witnessed any inappropriate behavior and that he had faith in the management and suggested that they be given a chance to prove themselves.

Robert Denault of Pascoag spoke in support of the application. Mr. Denault spoke of his long-term financial involvement in the establishment, the success of the business under various managers and the problems with the last licensee. Mr. Denault indicated that his wife, the applicant, would run the establishment and that he would address any problems that might arise.

Marie Peloquin, who opposed the application, responded to comments by Mr. Crombie, stating that Mr. and Mrs. Laramée, as well as others in attendance at the public hearing, were the same people who created past problems. Ms. Peloquin said that problems remained despite efforts to work with the management and therefore she could not foresee any improvement.

Sharon Grice of Croff Road spoke in support of the application, suggesting the tattoo and piercing business located at 90 Pascoag Main Street would also attract motorcyclists.

Steve Goulet of Harrisville spoke in support of the application, saying that he had been regular patron of the Mad Dog Saloon. Mr. Goulet said that during the two years he patronized the establishment he did not witness lewd behavior or fights; rather, he said, he has found nice people who are active in fundraising for charitable organizations.

4. VOTED to close the public hearing.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

5. MOTION to deny a new license to sell beverages under provisions of Title 3, Chapter 5, Section 17 and Title 3, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, as amended, for term ending November 30, 2006 from Pascoag Main St. Bar & Grill, LLC d/b/a Pascoag Main St. Bar & Grill, LLC, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley.

Discussion: Council President Wallace F. Lees indicated that he would abstain from discussion and voting on the licenses due to his concern related to a potential ethics violation. Council Vice President Jacqueline Zahn chaired the remainder of the hearing.

Under discussion, it was noted that the Town of Burrillville does not limit the number of Class B (Victualer) licenses.

Councilor Margaret L. Dudley discussed the downtown Pascoag Redevelopment Plan and found that granting the liquor license would not support the plan. Councilor Dudley noted that the Town has an investment in 96 Pascoag Main Street which would be negatively impacted if the establishment were to reopen with problems similar to those encountered in the past. Councilor Dudley opposed granting a liquor license, pool table license or entertainment license, though she had no objection to a victualing license.

Councilor William A. Andrews concurred.

Councilor Nancy F. Binns noted that, while she generally supports businesses in town, she had reservations about a liquor license at this location because the Town Council had set clear stipulations related to the use of the deck and apparently those stipulations have been ignored.

Councilor Ronald E. Faford concurred due to past problems at that location. Councilor Faford noted that there were further incidents subsequent to the January 2006 show-cause hearing.

Councilor Edward F. Bonczek noted that there are residents living above the businesses along Pascoag Main Street and that such mixed-use is part of the revitalization plan. Councilor Bonczek said that residents feeling threatened by proprietors and/or patrons of a business is intolerable. Councilor Bonczek said that the business

had been given a chance and had violated trust. Councilor Bonczek said that he opposed granting a license due to public safety issues, to preserve pride in the neighborhood and to encourage investment in the village, all of which could be endangered if problems at 98 Pascoag Main Street are allowed to continue.

The motion carried, six in favor, one abstention. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Council President Wallace F. Lees abstained.

6. VOTED to deny a new victualing license from Pascoag Main St. Bar & Grill, LLC d/b/a Pascoag Main St. Bar & Grill, LLC, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one abstention. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Council President Wallace F. Lees abstained.

7. VOTED to deny a new quarterly entertainment license from Pascoag Main St. Bar & Grill, LLC d/b/a Pascoag Main St. Bar & Grill, LLC, 98 Pascoag Main Street, Pascoag in a building owned by Sheila

Finn (Assessor's Map 175, Lot 40).

Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one abstention. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Council President Wallace F. Lees abstained.

8. VOTED to deny a new pool table license (1 table) from Pascoag Main St. Bar & Grill, LLC d/b/a Pascoag Main St. Bar & Grill, LLC, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion carried, six in favor, one abstention. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Council President Wallace F. Lees abstained.

9. VOTED to adjourn at 7:35 P.M.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was carried, six in favor, one abstention. Voting in favor of the motion were Councilors Jacqueline

Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Council President Wallace F. Lees abstained.

Louise R. Phaneuf, Town Clerk